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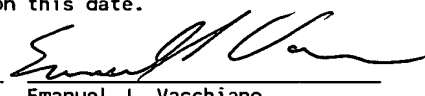
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Jonathon J. Lipman)
Application No.: 09/841,795)
Filed: April 24, 2001)
Title: COMPREHENSIVE PAIN)
ASSESSMENT SYSTEMS)
AND METHODS)
Group Art Unit: N/A)
Examiner: N/A)

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on this date.

06/25/01
Date


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INFORMATION DISCLOSURE STATEMENT

Hon. Commissioner of Patents
and Trademarks
Attention: Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

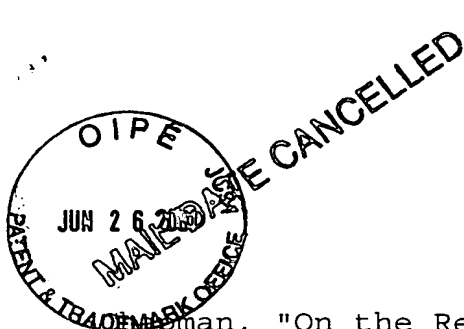
Pursuant to the provisions of 37 C.F.R. §§ 1.56, 1.97 and 1.98, a copy of the document underlined below and on the enclosed Form PTO-1449 is submitted herewith. The remaining references have been previously filed in the Patent and Trademark Office with the parent application, therefore the PTO should already have a copies of the references.

United States References

<u>Patent No.</u>	<u>Inventor</u>
2,728,337	Guillemin, Jr.
4,641,661	Kalarickal
4,884,091	Nakagomi
5,022,407	Horch et al.
5,025,796	Hargreaves et al.
5,191,896	Gafni et al.
5,230,345	Curran et al.
5,293,876	Koltringer
5,474,084	Cunniff

Foreign References

<u>Patent No.</u>	<u>Country</u>
GB 2 093 343 A	UK
DE 92 04 961.3	Germany



Other References

Lipman, "On the Relationship of Human Laboratory and Clinical Pain Research," in Pain Measurement and Assessment, R. Melzack (ed.), Raven Press (NY), pp. 243-249 (1983).

Donovan, et al., "Incidence and Characteristics of Pain in a Sample of Medical-Surgical Inpatients," Pain 30:69-78 (1987).

Lipman, et al., "Chronic Pain Assessment Using Heat Beam Dolorimetry," Pain 30:59-67 (1987).

Lipman and Blumenkopf, "Comparison of Subjective and Objective Analgesic Effects of Intravenous and Intrathecal Morphine on Chronic Pain Patients by Heat Beam Dolorimetry," Pain 39:249-256 (1989).

Lipman, et al., "Normal and Radiculopathic Cutaneous Pain Tolerance Levels Evaluated by Heat-Beam Dolorimetry," J. Neurosurgery 72:883-888 (1990).

Lipman, "Pain Measurement," Chapter 9 in "Contemporary Issues in Pain Measurement." Parris, WCV (ed.) Kluwer Pubs., pp. 123-146 (1991).

Rollman, "Signal Detection Theory Pain Measures: Empirical Validation Studies and Adaptation-level Effects," Pain 6:9-21 (1979).

Sriwatanakul, et al.; "Analysis of Narcotic Analgesic Usage in the Treatment of Postoperative Pain," J. Am. Med. Ass'n. 250:926-929 (1983).

Svensson, et al., "Comparison of Four Laser Types for Experimental Pain Stimulation on Oral Mucosa and Hairy Skin," Lasers in Surgery and Medicine 11:313-324 (1991).

Svensson, et al., "Quantitative Determinations of Sensory and Pain Thresholds on Human Oral Mucosa by Argon Laser Stimulation," Pain 49:233-239 (1992).

Hardy et al., "Pain Sensations and Reactions", The Williams & Wilkins Company, Baltimore, Pages 67-77 (1952).

Information sheet entitled, "Model 33A and Model 33B Tail Flick Analgesy Meters", date unknown.

Jamison et al., "Electronic diaries for monitoring chronic pain: 1-year validation study", Pain 91: 277-285 (2001).

As indicated above, the date is unknown for the Information sheet entitled, "Model 33A and Model 33B Tail

Flick Analgesy Meters." This sheet was provided to the applicant by Mr. Barney Vaynovsky of IITC Life Science, 23924 Victory Boulevard, Woodland Hills, CA 91367 ((818) 710-1556). Mr. Vaynovsky alleges that this sheet appeared in an IITC catalog before June of 1997, but refused to provide the catalog in which the sheet allegedly appeared and/or a precise date on which the sheet or catalog was produced and available to the public before June 1997. We have no independent knowledge of the date on which this sheet was produced or whether this sheet was ever made available to the public and, if so, the date it was made public. We are providing this sheet in the utmost of caution to assure that it is before the Examiner in this case despite the fact that we have no evidence outside of Mr. Vaynovsky's allegation that it is prior art in this case.

The Commissioner is hereby authorized to charge any fees which may be required in respect to this communication or credit any overpayment to Deposit Account No. 06-1135.

Respectfully submitted,

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BY:



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Date: June 25, 2001

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